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18 Attorneys for Plaintiffs

19
20 **IN THE UNITED STATES DISTRICT COURT**
21 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
22 **(SAN FRANCISCO DIVISION)**

23 IN RE: BEXTRA AND CELEBREX) **MDL CASE NO.: 05-CV-1699**
24 MARKETING SALES PRACTICES AND)
25 PRODUCT LIABILITY LITIGATION)
26 _____
27 ACQUAROLE, et al.,) **CASE NO. CGC-06-449463**
28) **MDL Case No. 06-2392 CRB**
29 _____
30 Plaintiffs,) **STIPULATION AND ORDER OF**
31) **DISMISSAL WITH PREJUDICE**
32 vs.) **AS TO PLAINTIFF OSMIN MARTINEZ**
33)
34 PFIZER, INC., et al.)
35 _____
36 Defendants.)
37 _____
38

39
40 COME NOW, Plaintiff OSMIN MARTINEZ and Defendants PFIZER, INC., et al., by
41 and through the undersigned attorneys, pursuant to Federal Rule of Civil Procedure, Rule 41(a),
42

43
44 **STIPULATION AND ORDER OF DISMISSAL WITH PREJUDICE**
45 **AS TO PLAINTIFF OSMIN MARTINEZ**

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1 and hereby stipulate to the dismissal of Plaintiff OSMIN MARTINEZ from this action, with
2 prejudice, each side bearing its own attorney's fees and costs.

3
4 Respectfully submitted,

5 Dated: September 25 2009

6 **KABATECK BROWN KELLNER LLP**

7 By: _____
8 Brian S. Kabateck, Esq.
9 Attorneys for Plaintiff OSMIN MARTINEZ

10 Dated: October 27, 2009

11 **DLA PIPER LLP**

12 By: _____
13 /S/
14 Matthew A. Holian
15 Attorney for Defendants PFIZER, INC., et al.

16 **ORDER**

17
18 **PURSUANT TO THE TERMS SET FORTH IN THE PARTIES' STIPULATION, IT IS**
19 **SO ORDERED.**

20 Dated: OCT 29 2009

21 Honorable Charles R. Breyer
22 United States District Court